

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MILAGROS LOPEZ,

Plaintiff,
- against -

P.O. MICHAEL H. JOSHUA, Tax Registry
No. 4856,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
COMPLAINT AND
JURY TRIAL DEMAND

* MAY 08 2008 *

BROOKLYN OFFICE

Defendant.

SC
POHORELSKY, M.J.

Plaintiff, MILAGROS LOPEZ, by her attorney, ALAN D. LEVINE, ESQ., as and for her complaint herein, hereby alleges as follows:

JURISDICTION

1. This is a civil action, seeking compensatory damages, punitive damages and attorney's fees.
2. This action is brought pursuant to 42 U.S.C. §§1983 and 1988 and the fourth and fourteenth amendments to the Constitution of the United States.
3. Jurisdiction is founded upon 28 U.S.C. §§1331 and 1343.

VENUE

4. Venue is properly alleged in the Eastern District of New York in that the acts complained of herein occurred within this District.

JURY TRIAL DEMAND

5. Plaintiff hereby demands a trial by jury of all issues in this action that are so triable.

PARTIES

6. At all times relevant hereto, plaintiff, MILAGROS LOPEZ, was and is a natural person, resident in the County of Kings, City and State of New York.

7. At all times relevant hereto, defendant, P.O. MICHAEL H. JOSHUA, Tax Registry No. 4856, was and is a natural person, employed by the New York City Health and Hospitals Corporation.

8. Defendant JOSHUA is sued in his individual capacity as well as in his capacity as an employee of the New York City Health and Hospitals Corporation.

AS AND FOR A CAUSE OF ACTION
(42 U.S.C. § 1983)

9. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "8" hereinabove as if more fully set forth at length herein.

10. On or about June 10, 2006, between approximately 10:00 A.M. and 10:30 A.M., plaintiff was lawfully present in the waiting area of the emergency room at Woodhull Medical and Mental Health Center, located at 760 Broadway, Brooklyn, County of Kings, City and State of New York (hereinafter "subject premises").

11. Plaintiff was present at the subject premises to seek treatment for abdominal and pelvic pain that she was suffering.

12. At the aforementioned time and place, plaintiff had a verbal dispute with a clerical employee of the aforementioned hospital with regard to the processing of the paperwork needed for plaintiff to be seen by a physician.

13. Defendant intervened in the aforementioned dispute and directed plaintiff to walk away and leave the subject premises.

14. Plaintiff responded that she was leaving the subject premises.
15. Defendant replied to plaintiff, telling her to, "Get out of here before I push you out of here."
16. Plaintiff responded, "You're not putting your hands on me."
17. Defendant proceeded to push plaintiff, from behind, into a glass partition, then grabbed her, picked her up and threw her on top of a podium, from which she fell onto the floor.
18. Plaintiff immediately told defendant that he had injured her.
19. Defendant responded, "I don't give a fuck. Shut up, bitch."
20. Defendant proceeded to handcuff plaintiff, then picked her up from the floor by her left arm and dragged her into the security office of the subject premises.
21. Defendant called plaintiff a "Puerto Rican bitch" and, without any probable cause therefor, issued plaintiff a summons for disorderly conduct.
22. The summons for disorderly conduct was adjourned in contemplation of dismissal in Criminal Court of the City of New York, Kings County.
23. Defendant violated plaintiff's right to the due process of law guaranteed to her by the fourth and fourteenth amendments to the Constitution of the United States in that, acting under color of state law, he, without any cause or provocation whatsoever, brutally and severely beat and humiliated plaintiff and falsely placed her under arrest.
24. Because of the aforesaid acts committed by defendant, plaintiff suffered a deprivation of the right to the due process of law guaranteed to her by the fourth and fourteenth amendments to the Constitution of the United States and, as a result, suffered a loss of liberty, suffered and continues to suffer serious and permanent

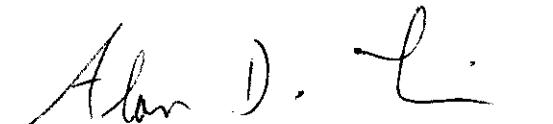
physical and emotional injuries and has incurred and will continue to incur expenses for treatment of her injuries.

25. By reason of the unconstitutional and illegal actions taken against her by defendant, plaintiff has been damaged in the sum of One Million (\$1,000,000.00) Dollars and demands an additional One Million (\$1,000,000.00) Dollars as punitive damages.

WHEREFORE, plaintiff, MILAGROS LOPEZ, demands judgment against defendant, P.O. MICHAEL H. JOSHUA, Tax Registry No. 4856, in the amount of One Million (\$1,000,000.00) Dollars and seeks an additional One Million (\$1,000,000.00) Dollars as punitive damages.

In addition, plaintiff demands the costs and disbursements of this action, including her attorney's fees, pursuant to 42 U.S.C. §1988.

Dated: Kew Gardens, New York
May 5, 2008



ALAN D. LEVINE, ESQ.
Attorney for Plaintiff
80-02 Kew Gardens Road, Suite 1010
Kew Gardens, New York 11415
718-793-6363
File No. 2040